

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

APPOTRONICS CORPORATION LTD.,

Plaintiff,

v.

CIVIL NO. 2:19-cv-466

DELTA ELECTRONICS, INC.,

Defendant.

ORDER

This matter is before the Court on Plaintiff/Counterclaim-Defendant Appotronics Corporation Ltd.'s ("Plaintiff") Motion to Strike Defendant Delta Electronics, Inc.'s New Ground for Personal Jurisdiction, or for Leave to File a Sur-Reply in Response filed on January 16, 2020 ("Motion"). ECF No. 37. On January 13, 2020, Defendant/Counterclaim-Plaintiff Delta Electronics, Inc. ("Defendant") filed its Reply Brief in Support of Defendant Delta Electronics, Inc.'s Motion to Transfer Venue to the Northern District of California ("Reply Brief"). ECF No. 36.

In response to Defendant's Reply Brief, Plaintiff filed the instant Motion and alleges that Defendant has introduced a new argument—that personal jurisdiction would have existed in the Northern District of California at the outset of this lawsuit—which Plaintiff previously did not have a chance to respond to in its Opposition to Defendant Delta Electronics, Inc.'s Motion to Transfer Venue to the Northern District of California ("Opposition to Defendant's Motion to Transfer"). ECF No. 37, at 2-4. Plaintiff contends that this new argument raised in Defendant's Reply Brief should be struck or alternatively the Court should allow Plaintiff the opportunity to

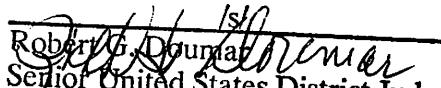
present its own arguments in a Sur-Reply. Id. at 4.

Defendant has responded to Plaintiff's Motion stating that its Reply Brief discusses the same facts and law presented in Defendant's Opening Briefing in Support of its Motion to Transfer in more detail based on Plaintiff's positions outlined in its Opposition to Defendant's Motion to Transfer. ECF No. 39, at 2-3. Defendant also stated that it does not oppose Plaintiff's alternative request to file a short and limited Sur-Reply. Id. at 4.

For good cause, the Court grants this motion. Plaintiff may file a response of no more than 5 pages in length within 14 days of this Order.

The Clerk is **DIRECTED** to forward a copy of this Order to all Counsel of Record.

IT IS SO ORDERED.



Robert G. Doumar
Senior United States District Judge
UNITED STATES DISTRICT JUDGE

Norfolk, VA

February 5, 2020